

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERONIA QUARLES,

Plaintiff,

v.

DR. JULIETTE KALVONOUGH,

Defendant.

Case No. C08-5280 BHS/KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on Plaintiff's filing of a motion to proceed *in forma pauperis* and a proposed civil rights complaint under 42 U.S.C. § 1983. (Dkts. # 1, 3). Plaintiff is currently detained at the Pierce County Jail in Tacoma, Washington. To file a complaint and initial legal proceedings, a plaintiff must file a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

The court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Several district courts have ruled that denial of *in forma pauperis* status is not unreasonable when a prisoner is able to pay the initial expenses required to commence a lawsuit. *See Temple v. Ellerthorpe*, 586 F.Supp. 848 (D.R.I. 1984); *Braden v. Estelle*, 428 F.Supp. 595 (S.D.Tex.

1 1977); *U.S. ex rel. Irons v. Com. of Pa.*, 407 F.Supp. 746 (M.D.Pa. 1976); *Shimabuku v. Britton*, 357
2 F.Supp. 825 (D.Kan. 1973), *aff'd*, 503 F.2d 38 (10th Cir. 1974); *Ward v. Werner*, 61 F.R.D. 639 (M.D.Pa.
3 1974).

4 In his application to proceed *in forma pauperis*, Plaintiff indicated that, within the past twelve
5 months, he has received disability or workers compensation payments and that he has received gifts or
6 inheritance. (Dkt. # 3, p. 3). However, Plaintiff failed to state the source of the money, the amount of
7 money received, and the money he expects to continue to receive, as requested on the application form.
8 *Id.*, p. 3, Question 3. The answer to these questions will assist the Court in determining Plaintiff's
9 eligibility for *in forma pauperis* status.

10 In addition, Plaintiff produced several Pierce County Corrections Receipt Forms for the past five
11 months, reflecting several deposits into his account of approximately \$898.22 and several withdrawals
12 from his account of approximately \$512.87. However, Plaintiff has failed to provide the court with a
13 certified statement showing the balance and activity of his account for the six-month period immediately
14 preceding the filing of his complaint.¹

15 Pursuant to 28 U.S.C. § 1915(a)(2):

16 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
17 proceeding without prepayment of fees or security therefor . . . shall submit a certified
18 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
19 the 6-month period immediately preceding the filing of the complaint or notice of
20 appeal, obtained from the appropriate official of each prison at which the prisoner is or
21 was confined.

22 Therefore, Plaintiff was required to submit a statement showing the balance and activity of his
23 account for the six-month period immediately preceding the filing of his complaint.

24 Accordingly, **IT IS ORDERED:**

- 25 (1) Plaintiff shall file an amended application **no later than June 27, 2008**, which includes the
26 source of the money, the amount of money received, and the money he expects to continue
27 to receive, as requested on the application form. (Dkt. # 3, p. 3, Question 3); and a certified
28 statement showing the balance and activity of his account for the six-month period (or the

¹It appears from the documents provided by Plaintiff, that Plaintiff's initial booking was on January 1, 2008. If this is true, then Plaintiff need only submit a certified statement showing the balance and activity of his account for the period of time from January until the filing of his lawsuit on April 30, 2008.

1 period since January 1, 2008 if that is the month Plaintiff was initially booked into the
2 Pierce County Jail) immediately preceding the filing of his complaint; and

3 (2) The Clerk is directed to send a copy of this Order to Plaintiff.
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5 DATED this 28th day of May, 2008.
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9 Karen L. Strombom
10 United States Magistrate Judge
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